

EXHIBIT 11

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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5 IN RE: NATIONAL :
PRESCRIPTION : MDL No. 2804
6 OPIATE LITIGATION :
_____ : Case No.
7 : 1:17-MD-2804
THIS DOCUMENT RELATES :
8 TO ALL CASES : Hon. Dan A. Polster

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10 Thursday, December 6, 2018
11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

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14 Videotaped deposition of JASON BRISCOE, held
15 at the offices of Cavitch, Familo & Durkin,
16 1300 East Ninth Street, Cleveland, Ohio, commencing at
17 9:05 a.m., on the above date, before Carol A. Kirk,
18 Registered Merit Reporter and Notary Public.

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22 GOLKOW LITIGATION SERVICES
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1 on behalf of DDM regarding its duties under
2 federal law as a distributor, correct?

3 A. Yes.

4 Q. And you understand, sir, today
5 that DDM is here in its capacity as a
6 distributor to its own wholly-owned pharmacies,
7 correct?

8 A. Yes.

9 Q. And you understand that its role
10 as a distributor is different than its role and
11 obligation as a pharmacy or dispensing
12 operation, correct?

13 A. Yes.

14 Q. Under d, "Your past/present
15 interpretation, compliance, agreement and/or
16 disagreement with the reporting requirement and
17 shipping requirement as referenced in Masters
18 Pharmaceutical."

19 Are you familiar and prepared to
20 testify today about the shipping requirement and
21 the due diligence requirement under -- I'm
22 sorry -- reporting requirement and shipping
23 requirement as reported and referenced in
24 Masters?

1 1301.74 --

2 A. Okay.

3 Q. -- titled "Other security controls
4 for non-practitioners; narcotic treatment
5 programs and compounders for narcotic treatment
6 programs."

7 And do you see under (b) -- well,
8 let's do (a) first. (a), "Before distributing a
9 controlled substance to any person who the
10 registrant does not know to be registered to
11 possess the controlled substance, the registrant
12 shall make a good faith inquiry with the
13 administration or with the appropriate State
14 controlled substances registration agency, if
15 any, to determine that person is registered to
16 possess the controlled substance."

17 So for DDM, DDM only distributed
18 to it's wholly-owned pharmacies, correct?

19 A. Correct.

20 Q. So under (b), sir, is it your
21 understanding that DDM was obligated to design
22 and operate a system to disclose the registrant
23 suspicious orders of controlled substances?

24 A. Yes.